

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

YOLANDA WALKER,
Plaintiff,

-vs.-

DEMAND FOR JURY TRIAL

WILLIAMS & FUDGE, INC.
A foreign Corporation,
Defendant.

COMPLAINT & JURY DEMAND

Plaintiff, Yolanda Walker, through counsel, Michigan Consumer Credit Lawyers, by Gary Nitzkin states the following claims for relief:

1. This is an action for damages, brought against a debt collector for violating the Fair Debt Collection Practices Act at 15 U.S.C. § 1692 et seq. ("FDCPA"), Michigan Collection Practices Act at M.C.L. § 445.251 et seq. ("MCPA") and the Michigan Occupational Code at M.C.L. § 339.901 et seq. ("MOC").

JURISDICTION

2. This court has jurisdiction under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.
3. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims, pursuant to 28 U.S.C. 1367.

PARTIES

4. Plaintiff is a natural person residing in Oakland County, Michigan. She is a "consumer" and "person" as the terms are defined and used in the FDCPA. She is also a "consumer," "debtor" and "person" as the terms are defined and or used in the MCPA and MOC.
5. The Defendant to this lawsuit is Williams & Fudge, Inc. which is a foreign company that maintains registered offices in Oakland County, Michigan.

VENUE

6. The transactions and occurrences which give rise to this action occurred in Oakland County, Michigan.
7. Venue is proper in the Eastern District of Michigan.

GENERAL ALLEGATIONS

8. Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff's daughter, Jocelyn Walker, to Western Michigan University in the amount of \$827.36 ("The Debt").
9. On or about July 7, 2014, Defendant called Plaintiff's husband's phone and she answered it. During that conversation, Defendant asked to speak with Jocelyn Walker. Mrs. Walker told Defendant that she was not Jocelyn and that she was her mother. She also informed Defendant that it was not calling Jocelyn's phone number. Defendant proceeded to tell Mrs. Walker that it needed to speak with Jocelyn that day. In response, Mrs. Walker told

the Defendant that Jocelyn was unavailable and that it should communicate with Jocelyn via mail. Defendant then said to Mrs. Walker, "Is she in jail?"

10. Also, during this conversation, Plaintiff asked Defendant several times which company it was calling from and Defendant never revealed its company name to Mrs. Walker.

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

11. Plaintiff reincorporates the preceding allegations by reference.

12. At all relevant times Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

13. Mrs. Walker is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.

14. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

15. Defendant's foregoing acts in attempting to collect this alleged debt violated the following provisions of the FDCPA:

- a. 15 U.S.C. §1692d(2) by using language the natural consequence of which is to abuse the hearer when it asked Mrs. Walker if her daughter was in jail.
- b. 15 U.S.C. §1692d(6) by placing telephone calls without meaningful disclosure of the caller's identity by not revealing its company name to Mrs. Walker when she specifically requested it.

16. Mrs. Walker has suffered economic, emotional, general and statutory damages as a result of these violations of the FDCPA.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury in this action.

DEMAND FOR JUDGMENT FOR RELIEF

Accordingly, Mrs. Walker requests that the Court grant her the following relief against the defendant:

- a. Actual damages.
- b. Statutory damages.
- c. Treble damages.
- d. Statutory costs and attorney fees.

Respectfully submitted,

July 29, 2014

/s/ Gary Nitzkin
GARY D. NITZKIN P41155
TRAVIS SHACKELFORD P68710
MICHIGAN CONSUMER CREDIT LAWYERS
Attorneys for Plaintiff
22142 West Nine Mile Road
Southfield, MI 48033
(248) 353-2882
Fax (248) 353-4840
Email – gary@micreditlawyer.com